

MOHAVE COUNTY BOARD of SUPERVISORS

P.O. Box 7000

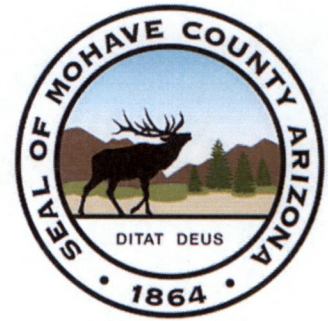
700 West Beale Street

Kingman, Arizona 86402-7000

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Gary Watson, Supervisor District 1

Jean Bishop, Supervisor District 4



Via Email sscantlebury@azwater.gov
and U. S. Certified Mail

Jean Bishop
Chairman and Mohave County Supervisor District 4
Gary Watson
Mohave County Supervisor District 1

May 21, 2020

Director Thomas Buschatzke
Arizona Department of Water Resources
Attn: Sharon Scantlebury, Docket Supervisor
P. O. Box 36020
Phoenix, Arizona 85067-6020

Re: Mohave County Comments to the Response to Public Comments filed on May 7, 2020 by Town of Queen Creek's (Town) and from GSC Farm, LLC, (GSC Farm or Greenstone), together "the Applicants."

Dear Director Buschatzke:

On February 10, 2020, the Department provided the applicants with 90 days under its Substantive Policy for this purpose: "The additional 90 days is requested to review the public comments in detail and to address any concern of negative impact from the proposed transfer action that have been expressed."

The Department then provided in its letter that: "May 10, 2020 will mark the end of the 90-day period by which GSC Farm and Queen Creek **must inform the Department of their attempts to resolve and/or respond** to any claims of negative impacts from the proposed transfer action." (emphasis added.).

We write to advise you that the applicants - GSC Farms and the Town of Queen Creek- have made no attempts to contact Mohave County, and further they made no attempt to resolve or even address our opposition to their proposed transfer of 2,083.1 acre-feet of Colorado River Water from La Paz County to Queen Creek, Arizona. They have filed a 281 page document styled Response to Public Comments, but they have made no attempt to address our concerns. There is no authority in the Department's Transfer Policy CR10 to file a "Response to Public Comments," and thus this 281 page document should be rejected.

Of course, the Department's policy CR10 does provide applicants with 90 additional days to attempt to resolve objections to proposed transfer and **to negotiate**:

The Department will provide up to ninety (90) days for all parties **to attempt to resolve or mitigate** the claimed impacts and to provide information to the Secretary.... **As a result of negotiations**, if the proposed agreement changes the distribution of water, the Department will review the revised transfer action and make a recommendation to the Secretary. If the parties cannot agree to resolve or mitigate the claimed impacts, the Department will make its recommendation independently from the parties at the end of the negotiation period.

ADWR - CR10 Policy and Procedure for Transferring and Entitlement of Colorado River Water, January 16, 2019, page 7 (emphasis added.).

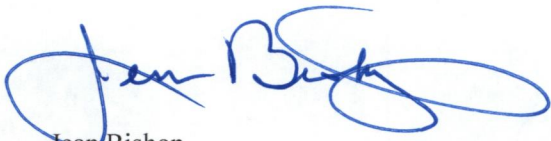
To our knowledge, the applicants did not engage in any negotiations with any of the over 850 commenters opposed to the transfer (the applicants did list the 15 comments in favor at page 9 to 12 of their Response). To our knowledge there were no negotiations with anyone claiming negative impacts as required by the policy. We know of no one claiming negative impacts and no one referenced in the "Response to Public Comments . . ." who was even consulted during the 90 day negotiation period.

That does not mean however that Mohave County was not mentioned. For example, on page 13 the applicants recount the over 50 commenters, including Mohave County, that maintain 164,652 acre feet of Priority 4 water was reserved for the River Communities by Arizona for future use. Those commenters included Supervisors Gary Watson, Hildy Angius, and Jean Bishop, and yet to our knowledge not one of those commenters was contacted during the 90 day negotiation period. On page 22 the applicants opine that Mohave County entities have adequate water for future growth, and yet they have not contacted any of our Mohave County entities to discuss how they conclude we have adequate water such that they can transfer 2,083.1 acre-feet of Colorado River Water away from the river in perpetuity.

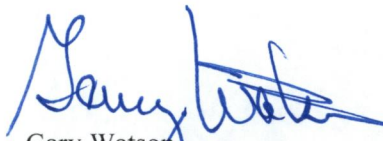
Therefore, because there were no attempts at negotiations and no such "attempt to resolve or mitigate the claimed impacts" of the proposed transfer were made, the Department should reject the applicants' Response to Public Comments as untimely and beyond the scope of the 90 day extension.

Thank you for your consideration.

Sincerely,



Jean Bishop
Chairman, Mohave County Board of Supervisors
Mohave County Supervisor District 4



Gary Watson
Mohave County Supervisor
District 1

The Honorable Doug Ducey, Governor of Arizona
The Honorable Martha McSally, United States Senate
The Honorable Kyrsten Sinema, Senator, United States Senate
The Honorable Paul Gosar, United States Congress
The Honorable Raul Grijalva, United States Congress
The Honorable Andy Biggs, United States Congress
Secretary David Bernhardt, Department of the Interior
Commissioner Brenda Burman, Bureau of Reclamation
Regional Director Terry Fulp, Bureau of Reclamation
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